IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WA.No. 3389 of 2001(D)

AGAINST THE JUDGEMENT IN OP.16561/2001
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APPELLANT:

Ranji M.R., S/o. Late M.O. Rappai, Marottikal House,
Kattoor desom, Irinjalakuda, Mukundapuram Taluk,
Thrissur District.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS:
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1. State of Kerala, represented by the Secretary to Govt.,
General Education Department, Thiruvananthapuram.

2. The Director of Vocational Higher Secondary School,
Thiruvananthapuram.

3. The District Educational Officer, Irinjalakuda P.O.,
Thrissur Dist.

4. The Manager, Pompei St. Mary's High School,
Kattoor, Thrissur Dist.

BY GOVERNMENT PLEADER SRI. SANDESH RAJA FOR R1 TO R3

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.3389 of 2001
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Dated this the 20th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Appellant's father died while in service of an aided School managed by the fourth respondent. There is also a Vocational Higher Secondary School managed by the same Manager. A claim was made by the appellant under the Dying in Harness Scheme under Rule 9A of Chapter XXIV B of Kerala Education Rules for appointment as a Peon in the Vocational Higher Secondary School, which was rejected. Learned single Judge rightly found that the aided School Manager has no obligation to provide employment in terms of such Rule in a Vocational Higher Secondary School, which is not governed by the provisions of the Kerala Education Rules. Hence, the appellant cannot stake a claim under the Dying in Harness Scheme in the Vocational Higher

Secondary School even though the Manager of the aided School is also Manager in that School.

Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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